Previous

G.R.S. IX—5]

Previous references.

1922.

(ml)

File No. 142-22

Serial Nos. 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for May 23.

SUBJECT

Grant of a piece of land to one Gopala Reddi in Chintamani Town

To, The Deputy Commr, Kolar
No. L 7303/L 3-5-23.

Approves of the sale of the site

HH
15/5

Printed on the Multigraph.

G.R.S. III—3]

~~Routine Notes.~~ Mil 142—22

[To be used only for notes, requisitions, etc., not intended for permanent record.]

L 788

Letter No Camp B 3/5/1922
from the Collector of Tanjore
reporting on the matter
of grant of a piece of
land in the Bhajanai
Tank to one Gopal Reddi

Submitted for perusal.
The receipt of the records
will be awaited

3. D.s Mil Records. Y.
Necessary, any more Cases
relating to the Kistna Dist
Levy Fund

HMK.
10/8/22 4 Dec 1922

(Now Secy.)

Hs Williams

5 Draft D.O calling for the
records from the D.C. Kistna Dt
pending for appl. or orders.

HMK.
24/8/22 6 Dec 1922

Issued. D.O No L 2006 dt 7/12/22

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

L788
L

G.R.S III—3] L1745

~~Routine~~ Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D O No 13/22-22 & 24-9-22
from the Dy Com. Indian Sd
forwarding the files of records
in the case -

7. The Dy Comrs main objection
is that the question should not have
been taken before the Bd of Rev. from
a perusal of the records it would
appear that the matter has been
treated as a mere copal one although
through -

8. Subd for orders

J.H.K.
18.10.1922

9. The transaction is one
relating to the year 1916. It
appears scarcely desirable
at this distance of time to
enquire into the conduct
of the two officers concerned
after calling for their ex-
planations. The land in

N B — Should routine notes be written on small slips the notes must be copied, or slips pasted on this form.

Mil 142-22

G. R. S. III—8]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

question may, as suggested, be ordered to be sold by public auction and the proceeds credited to Govt

Rev Secy) Secy Foreign

10 Does the land in question belong to the Municipality? Yes 21/1/22 Secy

If the land in question formed part of a large area which was split up into building sites, and sold by Govt in 1864 Chentamanna was constituted into a non-regulation Municipality in Nov 1865 but the Mil Bd was only an Agent of the Govt & all properties of Govt which were managed by the Bd [illegible] continued as property of Govt

12 The Mysore Tenure Regn was passed in the year 1908.

which was not a Corporate body

N. B.—Should routine notes be written on small sl... the notes must be copied, or slips pasted ... this form.

G.R.S. 111—3]

7/8 1754

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.

17. The records may be forwarded when received by Ceasar's Lee may be asked to enclose a receipt after perusal at an early date

HK 14/12/22
8 1/2

18. Draft please

DCS 2/12/22

19. Draft letter as pasted for approval. It is not known whether the Maharaja's letter also should be sent to the D.C

HK

20 Not necessary DCS 5/12/22

21. Issue

DCS 5/12/22

84. To The D.C. Kolar

No L4 12.3 & 6.12.22

Returns the records received with Serial 3 and requests to report after personal enquiry whether the Sitaram question belongs to Government or to the Shenbaganur Mutt & if so whether Gopala Rossi is entitled to the title in preference to others

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Sir A
HK
9.12.1922

4801 7

R. A. [illegible]-2]

General and Revenue Secretariat.

Rev. File No. 142 of 1922

Serial No.	
5	From the Dy Comr, Kolar Dt No. Confl & 14-3-1923. States that the Site in question is Govt property, that Govt have not retained any right over it, that the present value of the Site (14'×40') may be about Rs 400/ that Messrs Venkatappa & Ramakrishnayya have no manner of ~~title~~ right to the Site, & that the resolution of the Municipal Council to grant the Site to Gopal Reddi may be approved with a suggestion to the Council to ~~retain~~ that the value of the site may be fixed at Rs 200/ & that Gopal Reddi might be required to throw open at least a part of the adjoining building originally intended for a chattram for the use of the public which the Dc thinks Gopal Reddi is agreeable to do. Submitted for orders with reference to para 17 of HK. 21.3.1923 Rev: Sec: ✓ Secretary) 23 VJ 24/3/23 24 [illegible]

CSB 23.3.23

CSB

6370 27-3-23

Note—Contn. sheet

G R s. III-2]

1401

General and Revenue Secretariat. | File No. | of 19

Serial No.

It is requested that the Rao does not belong

Mr. Jost

Lwd
21/3

25- Draft GB 24.3.23 W/31/V/6

26. Draft Govt Letter for approval

HK
10/4/1923

27 GB 14.4.23.

Second Member

16.4.23 4/4

28. Draft-copied
Lwd
29/4.
W/30/V/3

29. Issue GB 30.4.23

6. to the D.C. Kolar

No. L/203 dt 3-5-28.

Approving the Sale the said site to Gopala Reddi and states that when the site is once established to belong to the municipality, Govt do not wish to interfere with the decision of the Mun as regards its value

HK
9.5.10

JUDICIAL DEPARTMENT
MAY 1928
SECTION

Note—Contn. about.

No. Camp No. B. Confidential.

Dated, Tumkur the 5th August 1922.

From

Md. Zahiruddin Maqsi., Esquire, B. A.,
Deputy Commissioner, Kolar District,
(Since transferred to Tumkur).

To

The Secretary to Government,
General Department,
BANGALORE.

Sir,

I have the honor to forward herewith the records relating to the grant of an open piece of land measuring 14' X 40' within the limits of the Chintamani Town to one Gopal Reddi, for an upset price of Rs. 100/-. by the Municipal Council of Chintamani, in accordance with their resolution passed at a meeting held on 17th May 1920 and to state as follows:-

2. The piece of land forms part of a kharab land called 'Pedo Agi Jaga', which was split into building sites, and sold in public auction, in 1864, but this particular land could not itself be sold, as there were no bidders for it. About 25 years later, a cattle-pound was erected thereon, and meanwhile the town expanded, and this part became one of the most important and busy quarters. The Cattle-pound was therefore shifted from here in 1915, as its location was unsuitable in this important centre.

3. Soon after the removal of the pound, there were many applications for the land, as for reasons already stated, the site had become very valuable, and it was coveted by many people. Among the applications, I need refer only to two, one of Gopal Reddi, who asked for the land on the ground, that it was his 'Hakdare' land, being part of the land, which his ancestor had built a chatram, and the other, by 2 Vysia brothers Venkatappa and Ramkrishnaiya, who requested that it may be given to them, in part exchange for the temple land, (about 356½ sq. yds. in front of Kodandaramaswami Temple premises,

premises, the temple having been built and richly endowed by their ancestors, which had been acquired in 1891 for laying out roads, but for which, no compensation had been paid to them, in spite of repeated applications and promises of speedy settlement.

4. Gopal Reddi possesses no documents or other evidence, to show that the land ever belonged to his ancestors, and moreover, the so-called chatram, is not of any use to the public, as the rooms are rented out by Gopal Reddi, and the income thereof utilised by him. Moreover the site had been offered for sale, so far back as 1864, when no such right had been claimed, & a cattle pound had also been erected on the site, some time afterwards, as already stated. The fact is, that he was anxious to get the site, so as to be able to build a shop on it, and connect it with the chatram, for which he had opened another door on this side, with the object of getting the site, and the claim put forward by him was, for the purpose of getting some preference shown to him, in the grant of the land. So far as the claim of the 2 applicants was concerned, it is a fact that 356½ sq. yds., were acquired from the temple, and no compensation was paid for the lands acquired.

5. In a case like this, when the site is obviously of some value, two courses are usually adopted, (i) either to sell it in public auction, or (ii) to give it in such a way, as while securing its full value, would remove any hardship or grievance, that might have been caused, by not granting the site, to the applicants, deemed to have the best claim thereto.

6. Mr. Lingapanth Badami, the Amildar, sent up a recommendation on the 23rd July 1916, to the Sub-Division Officer, recommending the grant of the land to Gopal Reddi, asserting that the land originally belonged to Gopal Reddi, though there was nothing on record. The language used in making the recommendation is significant. "Therefore, I beg to submit that orders may be passed "to give back his land", vide, his report dated the 25th July 1916, forming Serial No.36, ignoring the facts, that there was not only no evidence whatever in support of this claim, but the Karnikattis positively disproved it, and that only 16 days before, the 2 Vidiyans, had

had again repeated their applications for the land, and not entering into the merits of the case. To fortify his recommendations, he also placed the matter before the Municipal Council, who while holding, in the meeting held on the 7th September 1918, that they could not admit Gopalreddi's claim to the land, on the grounds urged by him, as they had not been made out in the course of the enquiry, nevertheless resolved, that it may be granted to him as recommended by the Amildar. Mr. Badami, on the strength of this resolution, again renewed his recommendation, in favour of Gopal Reddi, in spite of the protest of the Vysias, and the larger sums offered for the land by others.

7. On receiving these recommendations, Mr. Devaraj Urs, Sub-Divisional Officer, personally inspected the land, and after making enquiries, issued an endorsement to Gopal Reddi, to the effect, that the land being very small in extent, would be reserved for Government.

Gopal Reddi having appealed against this order, and there being at the same time, other protest applications from the Vysias brothers and 2 others, against the decision of the Municipal Council, the Deputy Commissioner, ordered on the 17th February 1919, that the decision of the Council, should be held in abeyance, pending inspection of the land in question by him.

8. Regardless of these orders, Mr. Chakrapani Iyengar, after he was posted to the Sub Division, ordered on a fresh petition presented by Gopal Reddi on the 16th October 1919, that the matter should be again placed before the Council, which at the meeting of the 5th February 1920, under his presidency, resolved, that the land should be given to Gopal Reddi for an upset price, and further to address the Deputy Commissioner in the matter.

9. This decision of the Council, was however not given effect to forthwith, and the Vysia brothers, having again applied to the Deputy Commissioner, the Sub-Division Officer was requested to submit a detailed report, and his attention, was, at the same time, drawn to the Deputy Commissioner's order, dated the 17th February 1919, directing that the matter should be held in

abeyance. Mr. Chakrapani Iyengar, did not however comply with this order, but brought the matter again before the Municipal Council, on 17-8-20, which finally decided to give the land to Gopal Reddi for an upset price of Rs.100.

10. I have inspected the land in question. It is very valuable, and greatly in demand, by reason of its situation, in the midst of the shops. People are prepared to start with a bid of Rs.500 for it, if auctioned, and I am sure, that if it is sold to the highest bidder, it will fetch much more. I consider that both the action of the Municipal Council, and of the two officers referred to, as altogether opposed to public interests, and I cannot conceive any reason, why these two officers should show such obvious favoritism to Gopal Reddi, and use all their authority and influence, to get the land to Gopal Reddi for nominal price.

11. The action of the Municipal Council, in resolving upon the grant of the land is ultravires for 2 reasons. In the first place, the land is situated between the drain and the occupied houses (vide sketch enclosed). As per Rule 13 Clause (a) & (c) of the Land Revenue Rules, such land vests in Government. Moreover the land has never been finally delivered to the Municipality. It is also not likely, that the Municipal Council, would have interfered, in regard to the grant of this land, but for the action of the Amildar and the Sub-Division Officer Mr. Chakrapani Iyengar, who wanted to obtain the support of the Municipal Council, to their extra-ordinary recommendations to favour Gopal. Reddi.

12. I therefore consider, that the conduct of the two officers, should be taken due notice of by Government. Mr. Lingopanth Badami should not have made such an unfounded statement, in support of his recommendation, that the land was originally Gopal Reddi's. Such a statement clearly shows, either that he had not studied the records, or made a proper enquiry, or, that he was under some improper influence in making it. Mr. L. Badami should not have placed the matter, before the Council, knowing it as he did, that the Municipal Council had no authority to grant the land, (vide, his own report) dated 16/20th September 1916.

After Mr. Devaraj Urs had finally decided, that the land should be -- reserved for Government, Mr. Badami, should not have encourged the party, to bring up the matter over and over again, and defeat the final orders. Mr. Chakrapani Iyengar had no reason whatever, to place the matter -- before the Municipal Council, when the Deputy Commissioner had ordered that the question should be held in abeyance , pending his inspection, and to obtain a further resolution of the Municipal Council, for the sale of the land to Gopal Reddi, at a ridiculously low price, without sending the report asked for by the Deputy Commissioner, and in delibe - rate defiance of the Deputy Commissioner's orders. Though it came to the notice of these officers, that the claim of the 2 Vysias for compensa - tion, for the land taken from the temple, several years before, they -- made no effort to get the matter settled, and though the grant of the -- land to the temple, in exchange for compensation, would have settled a long standing question, and removed a grievance, they preferred to give it to a private individual, who had no right to it. I am of opinion, that having regard to all the circumstances, the land may be sold in public - auction, and the money credited to Government, as the site does not -- belong to the Municipality. In regard to the claims of the Kodandarama- swami temple, for compensation for land acquired for them, the Municipal Council, should be requested to settle the matter at once, by giving -- other lands in exchange, which I understand are available, as it is not easy, to assess the exact money compensation, at this distance of time, and the lands all round have increased very much in value, due to the -- development of this part of the town.

As this is an important matter, involving the conduct of the 2 Officers of Government, it was necessary for me to take some time to study the records. I am sorry, that I could not therefore, address the Government before I left the District. I am sending this reference, as the matter is one, which calls for some notice of Government, though, -- having handed over charge, I might, under ordinary circumstances, have left the matter to my successor.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner.

P.S. The records connected with the case have had to be -- forwarded to the Deputy Commis - sioner/Collr as he required them for the Dewan's visit. He has been directed to forward them to -- Government direct after the Dewans

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to L 788

General and Revenue Secretariat
(289)
, the 191

Date of issue 29/8/22

Signed by Mr. K. Jayaram
Asst

Section ML
File No. 142—22
Serial No 2

No. L 2006

Dear Sir,

I am directed to request you to kindly ~~forward~~ the records relating to the grant of a piece of land ~~&~~ in the Chittoor Town Municipality to one Gopal Reddi which are reported to have been sent to you by the Dy. Comm^r, Tumkur

Yours obediently

Sd/- 24/8/22

24.8.22

To
S. Hiriamanja Esq.

over.

List of enclosures.

Copied by

Examined by

KOLAR.

D. O. 13/22-23 Dated the 24th September 1922.

Dear sir,

In reply to your D. O. letter No. L.2006 dated the 29th ultimo, I forward herewith three files of Vernacular papers in connection with the grant of a piece of land in the Chintamani Town Municipality to one Gopala Reddi.

Yours sincerely,

T. E. Jeyaram Iyer, Esquire., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Copied by

Examined by

G. R. S. VI—G/32]

SUBJECT.....

Confidential

Diary No. of letter replied to 7882 / 7542

Section MC

File No. 142—22—

Serial No. 4

No. L4223 Enclosures by Registered Post

General and Revenue Secretariat
(L.S.G.)
, the 191

To The Deputy Commissioner
Kolar District

Date of issue 6.4.22

Signed by [illegible]

Sir,

I am directed to return herewith the three files of Vernacular record relating to the grant of an open piece of land measuring 14'×40' within the limits of the Chintamani Town to one Gopala Reddi for an upset price of Rs 100/-

[illegible] Secretary to Govt.

by the Municipal Council
of Chittavani in accordance
with their resolution passed
at their meeting held on
the 17th May 1920, received
with your D.O. Ltr. No. 13/Jan-23
& the 24th September 1920,
and to request you to be
so good as to report ~~thereon~~
~~as early as~~ after personal
inspection at an early date
whether the site in question
belongs to Government or
to the Chittavani Municipal
Council and whether Gopala
Reddi is entitled to the site
in preference to others, and
whether the resolution of the
Municipal Council may be
given effect to.

I have etc.

Sd/- S. Venkata Rao
Secretary to Government
Revenue Department

List of enclosures.

Copied by

Examined by.

K.M.
5/12/1920

Ms. Rev. L 4801-

Cross Your Files & all records.

Mr 142-22-5 LUB... BRANCH.

No.

Confidential

Office of the Deputy Commissioner, Kolar District, Dated, Kolar, 14-3-1923.

From

S.Hiriannaiya,Esq.,M.A.,B.L.,
Deputy Commissioner, Kolar District.

To

T.R.Jeyarama Aiyar,Esq.,B.A.,B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

Sir,

In reply to your letter No.L.4223 of the 6th December 192? I have the honour to state that I made a personal inspection of the site in question in the company of the Amildar and also heard - - what both the parties concerned had to say.

2. There is no doubt that there was a cattle pound on the site This fact as well as the inclusion of the site in the old town of Chintamani (as evidenced by an old map) are clear proof that the site was regarded as Municipal property and not as Government land The only authority which I could discover for the view that the site is Government land (Vide paragraph 11 of Mr.Mecci's letter dated 5th August 1922) is a statement by one Shanbhog Venkatarayappa - - before the Sanitary Inspector made on 1-5-1916. This man professes to speak to events of 1864 and his statement is not supported by any documentary evidence and naturally much weight could not be - attached to it. We may therefore take it that the site is Municipal property and that Government have not retained any right over it.

As regards the claim of Gopal Reddi the matter is not - - equally clear. The documentary evidence in the case seems to show that his ancestors had an interest in the site. The stamped - document of 1876 produced by Gopal Reddi which may perhaps be taken as an "ancient" document appears to be a genuine one. But whether

that right of Gopal Reddi continued when the Municipal Cattle Pound was - erected is open to some doubt. Gopal Reddi owns the adjoining site on - which a building originally intended as a chatram is now in existence. - Taking these facts into consideration the Municipal Council seem to have resolved that the best solution of the difficulty would be to grant the site to Gopal Reddi at a concession rate, viz., Rs.100/-. Though the site measures only 14' X 40' there is no doubt that its present value is much higher It may fetch about Rs.400/-. It is in the main thoroughfare and that is the secret why it is so much sought for

3 Messers Venkatappa and Ramakrishnaiya whose temple sites were - - acquired by the Municipality for opening a road several years ago and who have been asking for the site in question in exchange have no manner of - right to the site ~~in question~~. In fact they do not advance any.

For these reasons I am of opinion that the resolution of the - - Municipal Council to grant the site to Gopal Reddi may be approved with a suggestion to the Council that the value may be fixed at, say, Rs.200/- an that Gopal Reddi might be required to throw open at least a part of the adjoining building originally intended for a chatram for the use of the public. I think he is agreeable to do so. To give the site in question to a - - - stranger would cut off light and air from one portion of the building - - of Gopal Reddi referred to above.

4. I have asked the President of the Municipal Council to decide the claim of Venkatappa and Ramakrishnaiya for compensation or a site in - - exchange without further delay.

The records accompany

I have the honour to be,
sir,
your most obedient servant,

Deputy Commissioner,
Kolar District.

M. V. S.

G.R.S. VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to 4804.

Section Ml

File No. M 2-22

Serial No. 6

General and Revenue Secretariat

(L.S.G.)

the 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 3/5/23

Signed by Duncan

Read— Letter No Camp B 8 5-5 Augt 1. 1922 from the Dy Comr Kolar Dt. (Mr Zaheeruddin Mecca) Mice transferred to Bangalore Dt), reporting that a piece of land measuring 14' x 40' within the limits of the Chintamani Town has been granted to Gopal Reddi for an upset price of Rs 100/- by the Municipal Council of Chintamani that the land is very valuable and greatly in demand by reason of its situation in the midst of the shops ~~Order Thereon No~~ that people are prepared to start with a bid of Rs 500/- for it if auctioned and recommending that the Grant may be cancelled & the Site ~~ordered to be~~ sold by public auction, the Sale proceeds being credited to Govt as ~~it does not belong to~~ the Municipal Council

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

2.

Put up 1/5

3 Letter No. nil dt. 14th March 1923 from the Dy Comr, Kolar District, forwarding proposal, with reference to the Revy's letter No. L4223 dtd 14.2.22. & that of the 6th Dec 1922, that the Site in question is Municipal property, Govt have not reserved any right over it, that its present value may be about Rs 400/-. that persons Venkatappa and Ramakrishnayya, who have applied for the Site have no manner of right to it, & that the resolution of the Municipal Council to grant the Site to Gopala Reddi may be approved with a direction to the Council that the value may be fixed at Rs 200/- and that Gopala Reddi may be required to throw open at least a part of the adjoining building originally intended for a Chatram for the use of the public which Gopala Reddi is agreeable to do

L 7303

The Sale of the Site in question to Gopala Reddi is approved.

2 Govt do not wish to interfere with the decision of the Municipal Council fixing the Value of the Site, which as it is recognized that the Site does not belong to the Govt

14.4.23

for Secy to Govt

Rev Dept

HMK
10.4.1923

To. The Dy Comr, Kolar Dist

Relinquishing the records.

Copied by

Examined by

WD 1223—GPS—1,000-6-1923